

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

JEFFERSON-PILOT INSURANCE  
COMPANY,

Plaintiff,

vs.

CHRISTOPHER L. KEARNEY,

Defendant.

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Case No. C-1-02-479

Judge Spiegel

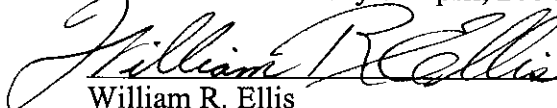
Magistrate Judge Hogan

**DECLARATION OF**  
**WILLIAM R. ELLIS IN SUPPORT**  
**OF PLAINTIFF'S MOTION FOR**  
**PROTECTIVE ORDER**

I, William R. Ellis, declare the following to be true:

1. I am trial counsel of record in the above-captioned case.
2. I have attempted to schedule the deposition of Defendant, Mr. Kearney, at a time mutually convenient for both parties. I have offered three possible dates to Plaintiff's counsel.
3. On April 23, 2004 I filed a Notice to take the deposition of Defendant's Witness, Clint Miller. Before filing that Notice, I had tried twice to contact Mr. Kearney's counsel, Mr. Gene Matan to discuss Mr. Miller's Deposition. Mr. Matan never returned my phone call. I have since been advised that he was out of town.
4. On April 27, 2004 I received a phone call from Mr. Roberts, Mr. Matan's co-counsel. Mr. Roberts advised me that he was lead counsel in this matter and all communication should be through him.
5. I have offered to work with Defendant's counsel with regard to the depositions he seeks. Without waiving objections as to privilege and relevancy, I have suggested that all appropriate depositions take place after the Court rules on the cross-motions for summary judgment.

Executed this 27<sup>th</sup> day of April, 2004

  
William R. Ellis

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing has been filed with the Court by electronic means on this 27<sup>h</sup> day of April 2004. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

s/William R. Ellis

William R. Ellis, Esq.

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